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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,208	02/12/2004	Temenuzhka Bencheva Beloreshka		4175

7590 05/05/2005
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EXAMINER

ADDIE, RAYMOND W

ART UNIT	PAPER NUMBER
3671	

3671

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/776,208	Applicant(s) BELORESHKA ET AL.	
	Examiner Raymond W. Addie	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 January 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities:

In ln. 3, a large space separates "base, and" from said first".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Honeyman # 4,727,690.

Honeyman discloses a reinforcing beam (12) for use as a joint between concrete slabs (10, 35). Said beam (12) comprising:

A rigid, prefabricated concrete beam (12) having a cross-sectional shape in the form of;

An approximate isosceles trapezoid (16), having at least one vertical panel and at least one horizontal panel, such that a lower surface is longer than a top surface of said approximate isosceles trapezoid. See Fig. 1.

A rectangular shaped portion (18) integrally cast on top of said top surface of said trapezoid, in cross-section. See Cols. 2-3.

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In regards to claims 5-11 Honeyman discloses the isosceles trapezoid portion (16) of the beam, comprises 1st and 2nd slanted or sinusoidal sides (20) connecting said top surface to said bottom surface, thereby defining a water-stop, in the form of 1st and 2nd horizontal grooves. See Fig. 2; Col. 2, Ins. 29-34.

In regards to Claims 3, 12-14 Honeyman discloses a method of using a pavement joint system between adjacent concrete slabs (10, 35). The method comprising the steps of: Arranging a plurality of concrete, joint filler implements (12) in parallel and/or perpendicular orientation, depending on the area to be paved.

Wherein said implements (12) define a volume of desired thickness to receive a predetermined amount of concrete for forming a floor or similar concrete surface. Further, wherein said implements (12) have a cross-section defining a rectangular portion (18) disposed upon an approximate isosceles trapezoid portion (16), further having at least one horizontal panel and at least one vertical panel.

Response to Amendment

3. Applicant's amendment to claims 1-3 filed 02/18/05 has overcome all rejections cited in the Last Office Action. The introduction of New Claims 4-14 is acknowledged. The amendment to claims 1-3 necessitated a new search of the Prior Art, which is the basis of the 35 U.S.C. 102(b) rejection of claims 1-14 above.

Response to Arguments

4. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Connolly et al. # 5,052,852 discloses a concrete joint. Robertson # 2,032,814 discloses a road joint. Jackson # 2,425,883 discloses a reinforcement device for concrete slabs. Lee # 5,299,402 discloses a reinforcement device (21) for floorboards. McPhee # 5,363,619 discloses a screed rail for jointing concrete slabs. Ljungkvist et al. # 4,884,384 discloses a reinforcement device for concrete slabs.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (571) 272-6986. The examiner can normally be reached on Monday-Saturday from 7:00 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas Will
Supervisory Patent Examiner
Group 3600

RWA
5/2/2005